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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|-----------------|-------------|----------------------|---------------------|------------------|
| 09/897,814 | 07/01/2001 | Gordon Smith | 4267 P | 2559 |

7590 07/01/2005

MCCARTHY & SADLER, LC
Suite 100
39 Exchange Place
Salt Lake City, UT 84111

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| EXAMINER |
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CHANG, SHIRLEY

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| ART UNIT | PAPER NUMBER |
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2614

DATE MAILED: 07/01/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

| | | | |
|------------------------------|------------------------|---------------------|--|
| Office Action Summary | Application No. | Applicant(s) | |
| | 09/897,814 | SMITH, GORDON | |
| | Examiner | Art Unit | |
| | Shirley Chang | 2614 | |

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-3 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-3 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. ____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|--|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s)/Mail Date. ____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date <u>7/1/01</u> . | 6) <input type="checkbox"/> Other: ____ |

Claim Rejections - 35 U.S.C. § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. § 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless:

(e) The invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

1. **Claims 1-3 are rejected under 35 U.S.C. § 102(e) as being anticipated by Sheppard (WO 01/69933).**

As to claim 1:

- The claimed “a residential gateway providing a communication signal” is met by the Residential gateway 200 as shown in figures 9 and 15 (page 22, lines 20-36).

- The claimed "a television receiving a video signal, wherein said video signal is derived from said communication signal" is met by TV 199 as shown in figure 9 and 15 (page 22, lines 20-36).
- The claimed "a directional coupler receiving an entry signal, a gateway signal and producing a television signal, wherein said gateway signal is derived from said residential gateway and wherein said entry signal is derived from a network interface device" is met by splitter 177, since the splitter is a type of directional coupler, which includes an entry signal, gateway signal, and produces TV signals 210 as shown in figures 9 and 15, wherein gateway signal is derived from residential gateway 200 and wherein said entry signal is derived from a network interface device 360 as shown in figures 9 and 15.

As to claim 2:

- The claimed "an entry point," "an input port electrically connected to said entry point," "a coupler device electrically connected to said input port and to an output port and to a coupled port," "a gateway point electrically connected to said output port," "a filter, having a first and a second connection, wherein said first connection is electrically connected to said coupled port" "a television point electrically connected to said second connection of said filter" is met by the splitter 177, which is a type of directional coupler that includes

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an entry point, input port, coupler device, gateway point, filter, and TV 199 television point electrically connected as shown in figures 9 and 15.

As to claim 3:

- The claimed "receiving a gateway signal" is met by the residential gateway 200 transmitting gateway signals, which is then received by the devices as shown in figures 9 and 14, and as discussed in claim 1.
- The claimed "coupling said gateway signal to a network data signal" is met by residential gateway 200 coupled to NID 360 as shown in figures 9 and 15.
- The claimed "selecting television signals" is met by Channel Select Commands 990 as shown in figure 9.
- The claimed "coupling said selected television signals to a television port" is met by TV 199 coupled to the residential gateway 200 with Channel Select Commands 990.

Contact Information

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Shirley Chang whose telephone number is (571) 272-8546. The examiner can normally be reached on 8:30-5:00 M-F.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Miller can be reached on (571) 272-7353. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

SC


JOHN MILLER
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2600